

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2009-091656

05/27/2009

HONORABLE BRUCE R. COHEN

CLERK OF THE COURT

C. Gauna

Deputy

IN RE THE MARRIAGE OF
VICKI F WHITING

J KYLE SCORESBY

AND

GARY L WHITING

GARY L WHITING
4140 E BASELINE RD 101
MESA AZ 85206

ALTERNATIVE DISPUTE
RESOLUTION - CCC
COMM. WM. DAVID ANDERSON
FAMILY COURT SERVICES-CCC

**RESOLUTION MANAGEMENT CONFERENCE
INTERIM ORDERS RE: PARENTING TIME, SPOUSAL MAINTENANCE, CHILD
SUPPORT, PROPERTY, DEBTS, AND ATTORNEY FEES
REFERRAL TO ADR
TRIAL SETTING**

Courtroom 304-SE

10:32 a.m. This is the time set for Resolution Management Conference. Petitioner, Vicki F. Whiting, is present with counsel, J. Kyle Scoresby. Respondent, Gary L. Whiting, is present on his own behalf.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2009-091656

05/27/2009

Counsel for Mother advises the Court that the parties have reached an agreement on temporary orders.

Counsel for Mother states the parties' agreements on the record.

Vicki F. Whiting and Gary L. Whiting are sworn and testify.

The parties state they are in agreement with the stipulation as stated on the record.

THE COURT FINDS the agreement is not a result of coercion, is fair and equitable, in the best interests of the child and is binding upon both parties pursuant to Rule 69, *Arizona Rules of Family Law Procedure*, and the Court adopts the agreement as the order of the Court.

IT IS THEREFORE ORDERED as follows:

1. **Parenting Time** – Given Bradley's age (16) and the routine that has been followed by the parties, Bradley shall reside primarily with Mother. It is anticipated that he shall have parenting time with Father as they coordinate.
2. **Spousal Maintenance** – On a temporary basis, commencing June 1, 2009, Father shall pay to Mother the sum of \$10,000 per month as and for spousal maintenance. This may be paid directly from Father to Mother.
3. **Child Support** – On a temporary basis, Father shall pay to Mother \$2,000 as and for child support, commencing June 1, 2009. This may be paid directly from Father to Mother.
4. **Residence** – Mother shall have exclusive use and occupancy of the El Moro residence. Father shall continue to make the monthly mortgage payments thereon.
5. **Vehicles** – Father shall have exclusive use of the Isuzu Rodeo. Mother and or the children shall have exclusive use of the Chevy Silverado, Pontiac Grand Am, Toyota Corolla, Toyota Echo, Chevy Tahoe and Mercedes.
6. **Attorney's Fees** – Any claims shall abide trial or determined following the appropriately filed motion.
7. **Debts** – Father shall pay the minimum monthly amount required on existing community obligations.
8. **Discovery** – There are numerous corporations and other entities as well as a number of separate pieces of real property. Mother's counsel notes that Father has and is expected to continue to be cooperative in disclosing all relevant information. If any discovery

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2009-091656

05/27/2009

dispute arises, Mother's counsel and Father may contact jointly this division to arrange for a telephone conference to address any discovery related issues.

IT IS ORDERED affirming the settlement conference set for **September 24, 2009 at 1:30 p.m.** before Commissioner William David Anderson. Counsel and/or the parties should not contact ADR directly. Counsel and/or the parties will receive a minute entry from ADR setting forth the necessary settlement conference information.

IT IS FURTHER ORDERED setting Trial to the Court on November 24, 2009 from 9:00 a.m. to noon and from 2:00 p.m. to 5:00 p.m. (Time allotted: 6 hours) before the Honorable Bruce R. Cohen, Southeast Judicial District, 222 East Javelina Avenue, Courtroom 304, Mesa, Arizona, 85210.

Pursuant to Rule 77(C)(5), Arizona Rules of Family Law Procedure, each party will be allowed one-half of the available time to present all direct, cross, redirect examination and any argument. The parties are expected to complete the trial in the allotted time, and the time will not be extended absent a motion granted by the Court and filed at least thirty (30) days prior to trial setting forth good cause to extend the time and specifically including a list of each and every witness who will testify and an estimate of time and subject matter of the expected testimony for each witness.

IT IS ORDERED any evidence intended to be submitted as exhibits at the time of the Trial must be brought to this Court's Clerk in Courtroom 304 **no later than 12:00 p.m. on Wednesday, November 18, 2009 with a coversheet listing the description of the exhibits.** All exhibits must be hand-delivered to Courtroom 304. Any exhibits submitted shall be copied to the opposing party at that same time. The parties shall coordinate their exhibits so that each party does not present duplicate exhibits of the other party. In addition, at the time of the commencement of the hearing, **each party shall provide an extra copy of the exhibits for use by the Court during the hearing. This extra set of exhibits shall be noted to be the "Bench Copy".**

IT IS FURTHER ORDERED that the failure of either party to appear at the time of trial, or to timely present the Joint Pre-Trial Statement in proper form, including each and every attachment required, shall, in the absence of good cause shown, result in the imposition of any and all available sanctions pursuant to Rule 76(D), Arizona Rules of Family Law Procedure and Local Rules 6.2(e) and 6.9(b), including proceeding to hear this matter by default based upon the evidence presented by the appearing party.

IT IS FURTHER ORDERED that if either party files a request for findings of fact and conclusions of law pursuant to Rule 82, Arizona Rules of Family Law Procedure, each party

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2009-091656

05/27/2009

shall submit proposed findings of fact and conclusions of law to this Division by no later than November 18, 2009.

IT IS FURTHER ORDERED with regard to discovery and disclosure requirements:

1. Both parties shall complete all disclosure requirements required by Rules 49 and 50, Arizona Rules of Family Law Procedure, including an exchange of all relevant information, documents and exhibits on or before November 10, 2009.
2. All depositions and discovery contemplated by Rules 49 through 65, Arizona Rules of Family Law Procedure, shall be completed and any motions regarding discovery shall be filed no later than November 10, 2009.
3. The parties shall promptly comply with all requests for relevant information in this case. In this regard, the parties shall sign all necessary consents and releases reasonably required to obtain any relevant documents or records from any financial institution, company, business, medical or health care provider or employer possessing any relevant information.

IT IS FURTHER ORDERED that Counsel for both parties shall confer at least thirty (30) days prior to trial to conduct settlement discussions, prepare a Joint Pre-Trial Statement in accordance with Rule 76(C)(1), Arizona Rules of Family Law Procedure, exchange all exhibits, and discuss the resolution and narrowing of all procedural and substantive issues in this case. Thereafter, the Joint Pre-Trial Statement shall be filed and a copy delivered to this Division by no later than November 18, 2009. Further, pursuant to Rule 76(C) (2), each party shall file with the Joint Pre-Trial Statement the following:

- a) An Affidavit of Financial Information on a form approved by the Court.
- b) If financial/property issues are in dispute, a detailed itemized inventory of property and debt in accordance with Rule 97, form 12, "Inventory of Property and Debt".
- c) A proposed parenting plan.
- d) A proposed parent's worksheet for child support.

IT IS FURTHER ORDERED that the parties shall indicate in the Joint Pre-Trial Statement which exhibits they have agreed will be admissible at trial as well as any specific objections that will be made to any exhibit if offered at trial which is not agreed to be admitted. Reserving all objections to the time of trial will not be permitted.

Counsel and the parties are reminded of their obligation to give prompt notice of any settlement to the Court as required by Rule 70, Arizona Rules of Family Law Procedure.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2009-091656

05/27/2009

Continuances, postponements and schedule changes will not ordinarily be granted. Any postponement or change will be granted only in accordance with appropriate rules, based on a showing of good cause, and requires the express written approval of the Court.

IT IS FURTHER ORDERED signing this minute entry as a formal order of this Court pursuant to Rule 81(D), Arizona Rules of Family Law Procedure.

10:51 a.m. Matter concludes.

Dated this 27th day of May, 2009

/S/ BRUCE R. COHEN

BRUCE R. COHEN
SUPERIOR COURT JUDICIAL OFFICER

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.